



IPW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andy Kazmierczak et al.
App. No. : 10/663,381
Filed : September 15, 2003
For : SHOULDER SLING
Examiner : Unknown

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

10-8-04

(Date)

Scott L. Murray
Scott Loras Murray, Reg. No. 53,360

STATUS LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: MAIL STOP PETITION

Dear Sir:

Our file for the subject application reveals that there has been no action in this application on the Petition to Make Special, which was filed on January 20, 2004. A copy of the Petition is enclosed.

Please inform us as to the status of this Petition.

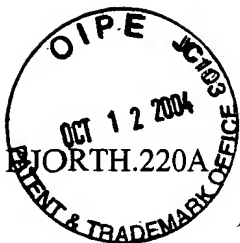
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10-8-04

By: *Scott L. Murray*

Scott Loras Murray
Registration No. 53,360
Attorney of Record
Customer No. 20,995
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COPY

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Applicants : Kazmierczak et al.

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) Group Art Unit: 3743

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) United States Postal Service as first-class mail in
) an envelope addressed to: Assistant
) Commissioner for Patents, Washington, D.C.
) 20231, on

) January 20, 2004

) (Date)

) SA J. Natausky
) Steven J. Natausky, Reg. No. 37,668

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102 AND M.P.E.P. § 708.02(II)

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.102 and M.P.E.P. § 708.02(II), Applicants hereby petition to make the above-captioned application (the "Application") special in order to advance its examination in the Patent and Trademark Office due to actual infringement of the Application.

Applicants' attorney contends and alleges that:

1. An infringing product is currently on the market;
2. Applicants' attorney has made a rigid comparison of the infringing product with the claims of the Application;
3. In the opinion of Applicants' Attorney, some of the claims of the Application are unquestionably infringed; and
4. Applicants' Attorney has caused to be made a careful and thorough search of the prior art.

Applicants previously submitted the Information Disclosure Statement, including one copy of each of the references deemed most closely related to the subject matter encompassed by the claims of the Application on December 15, 2003.

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CONCLUSION

Applicants respectfully submit that the actual infringement of the Application provides sufficient basis under 37 C.F.R. § 1.102 and M.P.E.P. § 708.02(II) to make the Application special and requests that this Petition be granted.

A check in the amount of \$130 for payment of the fee under 37 C.F.R. § 1.17(h) is enclosed. Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 20, 2004

By: ST JNT
Steven J. Nataupsky
Registration No. 37,668
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

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